

COUNTY COUNCIL

OF

TALBOT COUNTY

2021 Legislative Session, Legislative Day No.: March 23, 2021

Resolution No.: 300

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Pack

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP COMMERCIAL REAL PROPERTY LOCATED ON OCEAN GATEWAY AND MARINA DRIVE, TRAPPE, MARYLAND 21673 AND SHOWN ON TALBOT COUNTY TAX MAP NO. 62 AS PARCELS 13, 21, 42, 43, AND 80 FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS, AND TO RECLASSIFY AND REMAP RESIDENTIAL REAL PROPERTY LOCATED ON OCEAN FERRY POINT DRIVE, TRAPPE, MARYLAND 21673 AND SHOWN ON TALBOT COUNTY TAX MAP NO. 62 AS PARCELS 1 THROUGH 19 FROM UNPROGRAMMED TO "S-2" FUTURE PLANNED SEWER SERVICE IN 3 TO 5 YEARS (*Ferry Point*)

By the Council: March 23, 2021

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, April 13, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order:


Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP COMMERCIAL REAL PROPERTY LOCATED ON OCEAN GATEWAY AND MARINA DRIVE, TRAPPE, MARYLAND 21673 AND SHOWN ON TALBOT COUNTY TAX MAP NO. 62 AS PARCELS 13, 21, 42, 43, AND 80 FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS, AND TO RECLASSIFY AND REMAP RESIDENTIAL REAL PROPERTY LOCATED ON OCEAN FERRY POINT DRIVE, TRAPPE, MARYLAND 21673 AND SHOWN ON TALBOT COUNTY TAX MAP NO. 62 AS PARCELS 1 THROUGH 19 FROM UNPROGRAMMED TO "S-2" FUTURE PLANNED SEWER SERVICE IN 3 TO 5 YEARS (*Ferry Point*)

WHEREAS, three (3) existing commercial parcels of record accessed from Ocean Gateway and Marina Drive and shown on Talbot County Tax Map No. 62 as Parcels 13, 21, and 80 are served by separate on-site sewage disposal systems of varying ages and conditions which are generally located on Talbot County Tax Map No. 62, Parcel 42 and adjacent to Talbot County Tax Map No. 63, Parcel 43, which are unimproved commercial parcels; and

WHEREAS, of nineteen (19) existing residential parcels of record accessed from Ferry Point Road, a private road, and shown on Talbot County Tax Map No. 62 as Parcels 1 through 19, Parcels 1, 4-11, 13, and 15-18 are improved with residential structures served by separate on-site sewage disposal systems of varying ages and conditions and Parcels 2, 3, 12, 14, and 19 are unimproved; and

WHEREAS, the foregoing commercial and residential properties have been identified on the Talbot County Tier Map as Tier III-C, Areas of Limited Sewer Service; and

WHEREAS, the County Council of Talbot County (the "County Council") adopted Bill 1329, as amended, on June 7, 2016 that adopted the 2016 County Comprehensive Plan, including the Tier Designations; and

WHEREAS, the County Engineer has evaluated and confirmed the feasibility developing a community-based wastewater treatment system through the Preliminary Engineering Report prepared by BayLand Consultants and Designers, Inc. dated October 16, 2019, and requested that the Talbot County Office of Law prepare this amendment to the Talbot County Comprehensive Water and Sewer Plan (the "CWSP") to facilitate extension of public sewer to the foregoing properties; and

WHEREAS, in accordance with the requirements of Md. Code Ann., Environment § 9-506(a)(1), the proposed amendment has been submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board for review for consistency with planning programs for the area; and

WHEREAS, before the County Council may adopt this proposed amendment, the Talbot County Planning Commission must certify that the same is consistent with the Talbot County Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that the Talbot County Comprehensive Water and Sewer Plan shall be and is hereby amended as follows:

SECTION ONE: The above recitals are hereby incorporated as if fully set forth herein.

SECTION TWO: Subject to the terms and conditions herein, the CWSP is amended to reclassify and remap: 1) the commercial real properties shown on Talbot County Tax Map No. 62 as Parcels 13, 21, 42, 43, and 80 as "S-1", Immediate Priority Status; and 2) the residential real properties shown on Talbot County Tax Map No. 62 as Parcels 1-19 as "S-2", Future Planned Sewer Service in 3 to 5 years, as shown on the exhibit titled "Comprehensive Water and Sewer Plan: Ferry Point Area", prepared by the Talbot County Department of Public Works, dated November 23, 2020, and attached hereto as Exhibit "A".

SECTION THREE: Sewer service for the foregoing properties shall be from a new Sanitary District referred to as Region III – Ferry Point Sewer System, a community-based wastewater system. The properties will be served by a new sewer collection system and a new wastewater treatment system (the "Ferry Point System") to be designed and constructed by the Talbot County Department of Public Works in accordance with the Preliminary Engineering Report prepared by BayLand Consultants and Designers, Inc.

SECTION FOUR: The Ferry Point System shall serve the foregoing commercial real properties, with sewer service planned in the future to extend to the foregoing residential real properties using a Sewer Service Policy and design guidelines that are established during the Ferry Point System's design phase. The peak flow sewer allocation to each property shall be limited to 250 gallons per day per equivalent dwelling unit ("EDU"), with additional analysis of the wastewater flows per EDU being reviewed during the design phase.

SECTION FIVE: Connection to the Ferry Point System shall not be used to accommodate further subdivision of any of the foregoing properties existing when this Resolution is adopted without further amendment of the CWSP as duly approved by the County Council.

SECTION SIX: Talbot County shall seek grant funding and loans through programs administered by the Maryland Department of the Environment and USDA Rural Development to assist with the design and construction of the Ferry Point System, including the sewer collection system, wastewater treatment plant, and the wastewater effluent disposal means.

SECTION SEVEN: The owners of the foregoing properties shall be responsible for paying the loan expenses as developed in the design phase as either part of the annual operating costs or identified as a connection fee, and these expenses shall include the design costs, construction costs, permit fees, and other fees incurred by Talbot County.

SECTION EIGHT: The owners of the foregoing properties shall be responsible for paying a connection fee as determined during the design phase for each property to the Talbot County Sanitary District (the "Sanitary District") before commencing construction to connect their

respective properties to the force main. Such connection shall be subject to periodic charges, tariffs, and policies as may be adopted from time to time.

SECTION NINE: No sewer service shall be available to any area beyond the existing properties to be served. No other properties, lots, or parcels, including any future reconfiguration or recombination of the foregoing properties, shall be entitled to service or capacity, unless and until the CWSP is amended to permit such service.

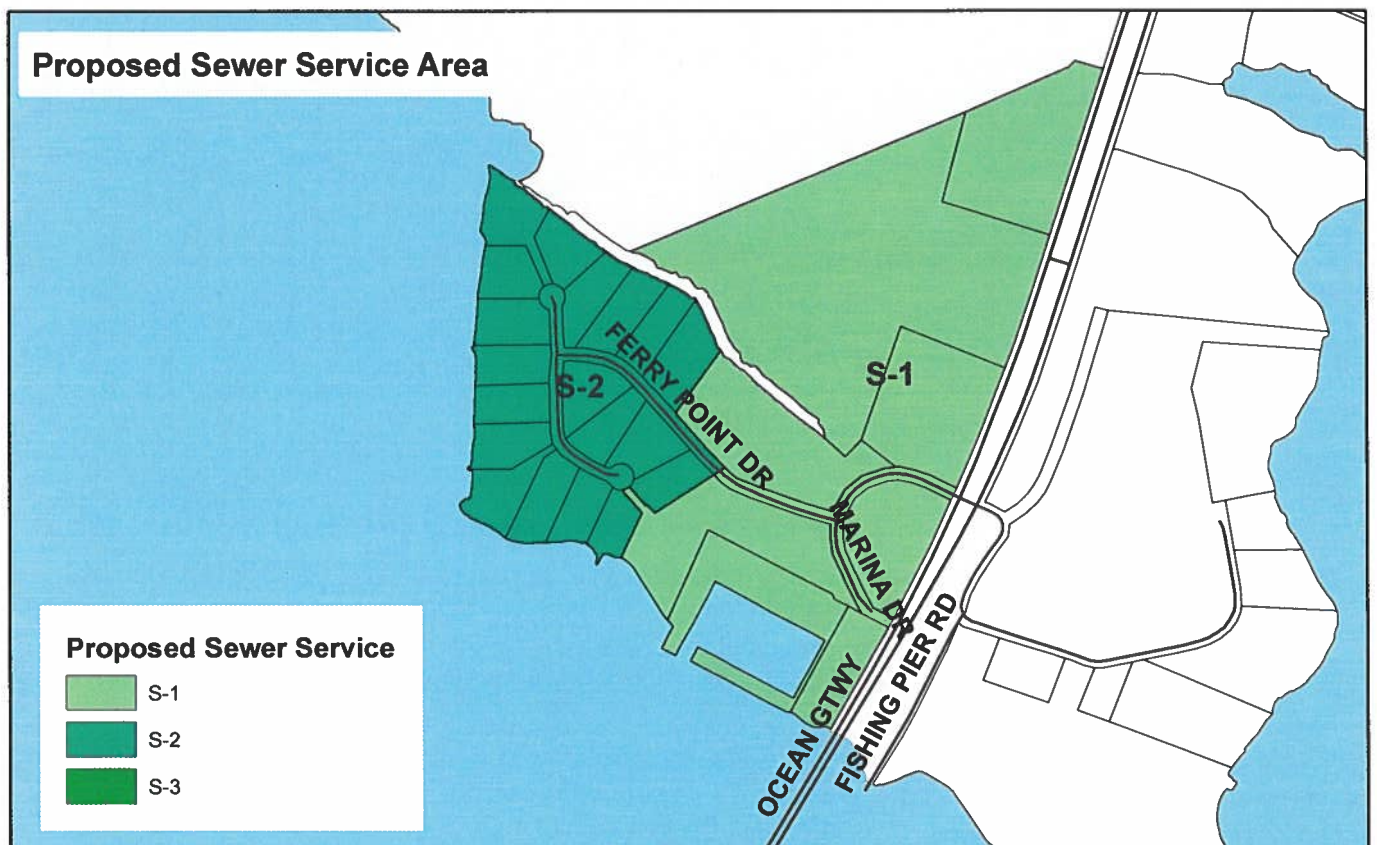
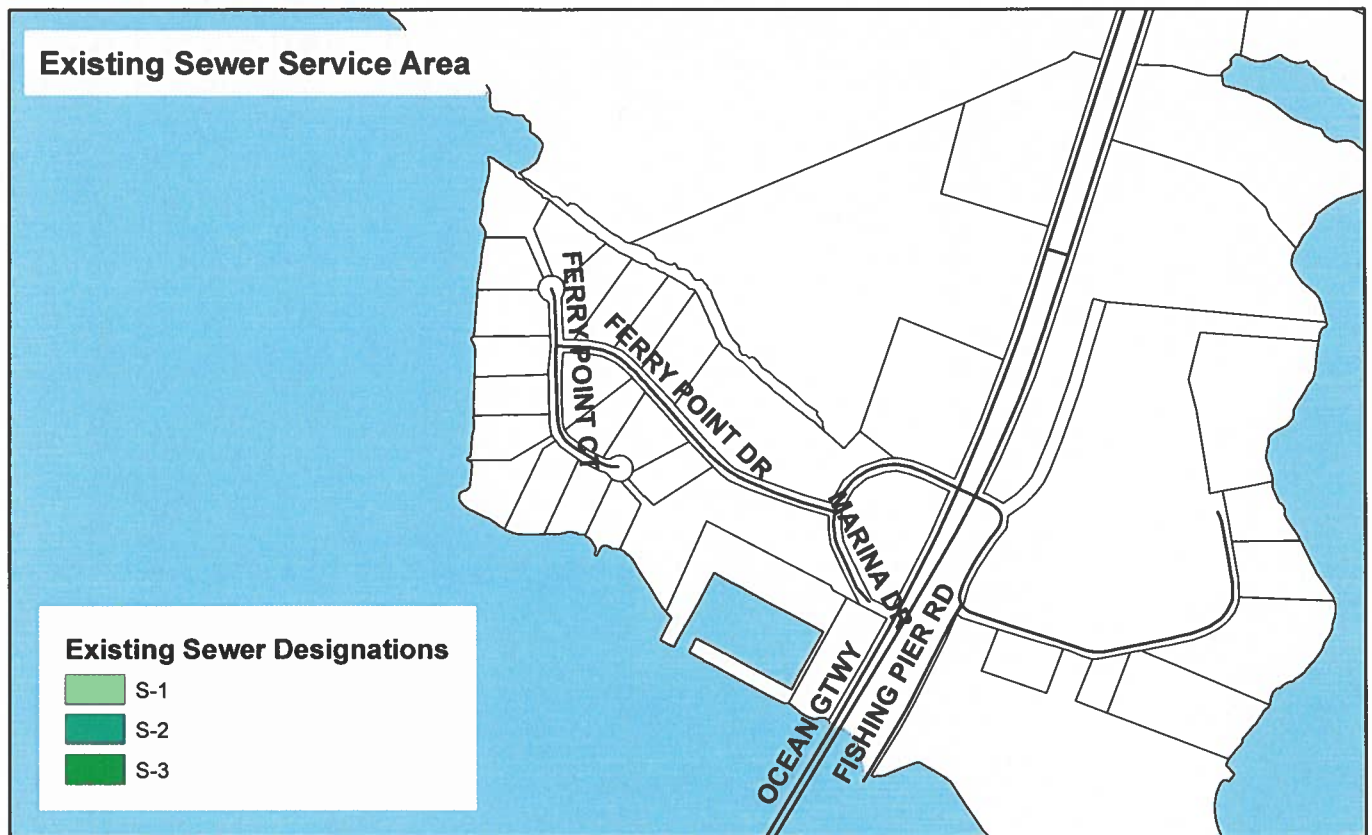
SECTION TEN: The design shall be consistent with reasonable design standards for similar projects, shall be subject to review and approval by the County Engineer, and shall include design features, components, and materials as the County Engineer or his designee may reasonably require.

SECTION ELEVEN: The owners of the foregoing properties, jointly and severally, shall be solely responsible for all remediation, mitigation, damages, charges, fines, penalties, or other costs imposed, levied, or assessed at any time by any federal, State, or local enforcement agency for any environmental damage or violation of law caused by or resulting from the connection to the force main. The owners of the foregoing properties shall indemnify and hold the County harmless from and against all such claims, actions, suits, damages, losses, or expenses, of any kind, nature, or description whatsoever.

SECTION TWELVE: This Resolution shall not modify, excuse, or supersede any other requirements for ongoing compliance with all applicable federal, State, and local statutes, ordinances, rules, or regulations, including without limitation all conditions and requirements of all permits and approvals necessary for connection to the force main.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon the date of its adoption.

Comprehensive Water and Sewer Plan: Ferry Point



PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. ____ having been published, a public hearing was held on Tuesday, _____, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted:

By Order: _____
Susan W. Moran, Secretary

Callahan -

Divilio -

Leshner -

Price -

Pack -

Effective Date: